Order No. SWL 51 LLA 78.

Bangalore, dated 13th March 1978.

Whereas by State Government Order No. SWL 893 LLD 75 dated 3rd January 1976 the Industrial dispute between the workmen and the management of Karnataka Steel and Wire Products Ltd., Harinivas, No. 36, Cunningham Road, Bangalore-52, was referred to the Labour-Court, Bangalore for adjudication.

And, whereas the Presiding Officer, Labour Court, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute.

Now, therefore, in exercise of the powers conferred by section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnatnka are pleased to direct the publication of the said award as above, in the *Karnataka Gazette*.

By Order and in the name of the Governor of Karnataka,

B. MANAMOHAN,
Under Secretary to Government,
Social Welfare & Labour Department.

2701—S. O. 757

GOVERNMENT OF KARNATAKA

SOCIAL WELFARE AND LABOUR SECRETARIAT

Labour Dispute.— Industrial dispute between the workmen and the management of Widia (India) Ltd., Tumkur Road, Bangalore-22.

Award of the Presiding Officer, Labour Court, Bangalore published.

Read the following papers:—

(1) Letter No. 1649/77-78, dated 2nd January 1978 from Shri H. Shanmukhappa, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT, BANGALORE.

Dated this 2nd day of January, 1978.

PRESENT :

Shri H. Shanmukhappa, B.A. B.L.,
Presiding Officer

Reference No. 32 of 1976.

First Party :

V. Baskar, s/o Sri Veerachar, Avalahalli, G.E.F. Post, Mysore Road, Bangalore-26.

Vs.

Second Party :

The Management of Widia (India) Ltd., Tumkur Road, Bangalore-22.

Reference :

Government Order No. SWL 26 LLD 76, dated 27th January 1976.

AWARD

1. The Government of Karnataka in their order No. SWL 26 LLD 76 dated 27th January, 1976, have referred an industrial dispute existing between the above named parties to this Court for adjudication on the points of dispute noted below :—

"I. Are the management of Widia (India) Limited, Bangalore-22, justified in terminating the services of Sri V. Bashkar, I.No. 520 with effect from 9th October 1975 ?

II. If not, to what relief (s) is the said workmen entitled ?"

2. On receipt of reference, it was registered as Reference No. 32 of 1976 and notices were issued to both the parties. The Registered Notice issued to the First Party duly served on him. Then on 25th February 1976 the I Party has filed memo of authorisation authorising one Sri H. Basava Raju, Advocate and President of Trade Unions of Metro-malleable Manufactures (P) Ltd., to appear on behalf of him. But inspite of sufficient time granted to the I Party, he has not filed his claim statement. Further from 15th February 1977 and onwards neither the I Party nor his representative put in appearance before this Court, but chose to remain absent continuously and throughout. However, one more Registered notice was issued to the I Party. That registered notice returned unserved with a postal endorsement "party left without instruction. Retd. to sender." Therefore, I am constrained to proceed under Rule 23 of the Industrial Disputes (Karnataka) Rules, 1957, as if the I Party was present and had been duly represented.

3. On the other hand, the II Party was present. They have filed their statement on 26th March 1977 saying that the I Party has not at all filed his claim statement in spite of availing of sufficient time and opportunity and this shows that he is not interested in prosecuting this dispute and therefore the reference is liable for dismissal. It is further stated that the I party was charge-sheeted on 23rd June 1975 ; two days later one more charge-sheet was issued to him ; charges were separately enquired into by an independent enquiry officer appointed by the management. The workman attended both the enquiries and fully participated. The enquiries were conducted fairly and properly. The enquiry officer gave his findings that the charges were established against the I Party at the enquiry. Therefore considering the gravity and seriousness of the misconducts